

REMARKS

The above-referenced application has been reviewed in light of the Examiner's Office Action dated 02 April 2004. Figures 1A, 1B, 2A, 2B, 6, 9A, and 9B have been amended. Several amendments to the paragraphs of the Specification have been made as well. No New Matter has been added. The Examiner's reconsideration of the rejections in view of the following remarks is respectfully requested.

In accordance with the Office Action, Figures 1A, 1B, 2A, 2B have received objections for failing to designate as –Prior Art – when that which is old is illustrated. Accordingly, the figures have been amended per Examiners suggestion in the appropriate replacement sheets found at the end of this document.

In accordance with the Office Action, Figure 6 was objected to because reference character "306" was used to designate "Logic i", "Logic j", and "Logic k". Accordingly, the figure has been amended as described above, and is represented in the appropriate replacement sheet found at the end of this document. Appropriate sections of the specification have been amended as described above so the amended specification corresponds with the amended Figure 6.

In accordance with the Office Action, the specification is objected to at page 3, line 13, because of informalities. Accordingly, the specification has been amended as described above to bring the amended specification into compliance.

In accordance with the Office Action, the specification is objected to for informalities at page 18, line 18, and in Figure 9A. Accordingly, Figures 9A and 9B have been amended as described above, and is represented in the appropriate replacement sheet found at the

end of this document. Appropriate sections of the specification have also been amended as described above so the amended specification corresponds with the amended Figures 9A and 9B.

Claims 1-15 stand rejected under 35 U.S.C. §102(a) as being anticipated by "Asynchronous Interlocked Pipelined CMOS Circuits Operating at 3.3-4.5 GHz", appearing in ISSCC 200/Session 17/Logic and System/Paper WA 17.3, presented in February 200, and authored by Schuster et. al. (hereinafter the "Article").

Applicants respectfully submit with traverse that Claims 1-15 are not anticipated by the Article for at least the reasons set forth below.

In *In re Katz*, 687 F.2d 450, 215 USPQ 14 the CCPA held that a declaration by the inventive entity that they are the sole inventor and that the other authors of the prior art reference merely worked under their direction was sufficient to remove the publication as a reference for an anticipation rejection under 35 U.S.C. §102(a). The prior technical paper was not considered the work of "another" and therefore was derived from the applicant.

A properly executed Rule 132 Declaration by the applicants is submitted herewith. The declaration states that the Article is the applicants' own work and that the other authors of the Article (William Reohr, David Heidel, Michael Immediato, Keith Jenkins) were working under their direction and supervision constructing and testing the subject matter described in the Article. Any knowledge that the other authors had of the subject matter described in the Article, was derived from the applicants.


As the applicants have submitted a properly executed Rule 132 Declaration stating that they are the inventors of the subject matter of the above cited application, and that the four co-authors of the Article (William Reohr, David Heidel, Michael Immediato, Keith Jenkins)

were acting under the applicants' direction and supervision. In view of *In re Katz*, the Article should be removed as a reference.

Conclusion

Accordingly, it is respectfully submitted that independent Claim 1-15 are in condition of allowance for at least the reasons stated above. All issues raised by the Examiner having been addressed, reconsideration of the rejections and an early and favorable allowance of this case is earnestly solicited.

Respectfully submitted,

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